

BILL ANALYSIS

Senate Research Center
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H.B. 1449
By: Guillen (Zaffirini)
Agriculture & Rural Affairs
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1449 amends current law relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 34.002(a), Natural Resources Code, to provide that the provisions of this chapter apply to land owned by the Parks and Wildlife Department (TPWD), except as provided by Section 34.064(c), and land owned by the Texas Department of Criminal Justice (TDCJ).

SECTION 2. Amends Section 34.064(c), Natural Resources Code, as follows:

(c) Provides that the provisions of this section:

- (1) do not apply to land owned by the TPWD on which an easement may be granted under Section 11.301, Parks and Wildlife Code;
- (2) do not apply to land owned by the state as a part of the penitentiary system; and
- (3) do not repeal Section 496.004, Government Code, rather than Chapter 166, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 6203d, V.T.C.S.).

SECTION 3. Amends Chapter 11, Parks and Wildlife Code, by adding Subchapter L, as follows:

SUBCHAPTER L. GRANT OR LEASE OF LAND

Sec. 11.301. EASEMENTS. (a) Authorizes the Texas Parks and Wildlife Commission (commission) to grant, lease, or renew permanent or temporary right-of-way easements on TPWD land for:

- (1) public highways, roads and streets, and ditches;
- (2) electric lines and pipelines, including necessary wires, pipes, poles, and other equipment used to transmit, convey, or distribute water, electricity, gas, oil, or similar substances or commodities;
- (3) electrical substations;

(4) equipment stations, vaults, cabinets, poles, power pedestals, and underground lines, circuits, and conduits, and other equipment used in the provision of communication services; or

(5) the provision of utilities for the operation of facilities of TPWD and roadways for access to facilities of TPWD.

(b) Prohibits the commission, except as provided by this subsection, from granting or leasing an easement unless the commission receives the fair market value as consideration for the grant or lease. Authorizes consideration for an easement to include goods and services. Authorizes the commission to grant without consideration a state highway easement to the Texas Department of Transportation, a roadway easement to a county for connecting roads between state highways, easements to utility providers for utilities to serve TPWD facilities, and roadway easements to a city or county to provide roadways for TPWD facilities.

(c) Requires that a grant or lease contain a full reservation of minerals in and under the land. Authorizes the commission to impose other fair and reasonable conditions, covenants, and provisions.

SECTION 4. Effective date: upon passage or September 1, 2011.